

1FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: UNKNOWN  
Serial No.: 10/825,029 Group Art Unit: UNKNOWN  
Filed: APRIL 14, 2004 Docket: 13033.4USC4  
Due Date: JULY 14, 2004  
Title: METHOD AND APPARATUS TO TREAT CONDITIONS OF THE NASO-PHARYNGEAL AREA

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

By: Kristine Alwach

Name: Kristine Alwach

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement and Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: Karen A. Fitzsimmons

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons:PLSkaw



S/N 10/825,029

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KNUDSON ET AL.	Examiner:	UNKNOWN
Serial No.:	10/825,029	Group Art Unit:	UNKNOWN
Filed:	APRIL 14, 2004	Docket No.:	13033.4USC4
Title:	METHOD AND APPARATUS TO TREAT CONDITIONS OF NASO-PHARYNGEAL AREA		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

By:

Name:

*Kristine A. Wacker*  
*Kristine A. Wacker*

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 10/629,145 filed on July 29, 2003; U.S. Serial No. 10/394,887 filed on March 21, 2003; U.S. Serial No. 10/190,183 filed on July 3, 2002; and U.S. Serial No. 09/636,803 filed on August 10, 2000. Because this application was filed after June 30, 2003, a copy of U.S. Patent No. 6,742,524 B2 listed on the enclosed Form 1449 is not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

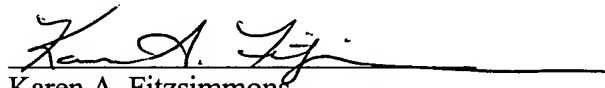
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date:

July 8, 2000



Karen A. Fitzsimmons

Reg. No. 50,470

KAF:PLSkaw

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

Docket Number:

13033.4USC4

Application Number:

10/825,029

IN AN APPLICATION

(Use several sheets if necessary)

Applicant: KNUDSON ET AL.

Filing Date: 04/14/2004

Group Art Unit: UNKNOWN

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,998,209	12/21/1976	Macvaugh			
	4,803,075	02/1989	Wallace et al.			
	4,830,008	05/16/1989	Meer			
	4,978,323	12/18/1990	Freedman			
	5,046,512	09/10/1991	Murchie			
	5,052,409	10/01/1991	Tepper			
	5,133,354	07/28/1992	Kallok			
	5,176,618	01/05/1993	Freedman			
	5,178,156	01/12/1993	Takishima et al.			
	5,190,053	03/02/1993	Meer			
	5,204,382	04/1993	Wallace et al.			
	5,258,028	11/1993	Ersek et al.			
	5,281,219	01/25/1994	Kallok			
	5,284,161	02/08/1994	Karell			
	5,451,406	09/19/1995	Lawin et al.			
	5,456,662	10/10/1995	Edwards et al.			
	5,514,131	05/07/1996	Edwards et al.			
	5,540,733	07/30/1996	Testerman et al.			
	5,582,184	12/10/1996	Erickson et al.			
	5,591,216	01/07/1997	Testerman et al.			
	5,669,377	09/1997	Fenn			
	5,674,191	10/07/1997	Edwards et al.			
	5,718,702	02/17/1998	Edwards			
	5,792,067	08/11/1998	Karell			
	5,792,478	08/11/1998	Lawin et al.			
	5,843,021	12/01/1998	Edwards et al.			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 13033.4USC4	Application Number: 10/825,029
	Applicant: KNUDSON ET AL.	
	Filing Date: 04/14/2004	Group Art Unit: UNKNOWN

	Re. 36,120	03/02/1999	Karell			
	5,897,579	04/27/1999	Sanders			
	5,922,006	07/13/1999	Sugerman			
	5,983,136	11/09/1999	Kamen			
	6,250,307	06/26/2001	Conrad et al.			
	2001/0025642	10/2001	Conrad et al.			
	2001/0044587 A1	11/22/2001	Conrad et al.			
	2002/0035994 A1	03/28/2002	Stevens et al.			
	2002/0056462 A1	05/16/2002	Conrad et al.			
	6,390,096 B1	05/21/2002	Conrad et al.			
	6,401,717 B1	06/11/2002	Conrad et al.			
	6,415,796 B1	07/09/2002	Conrad et al.			
	6,431,174 B1	08/13/2002	Knudson et al.			
	2002/0108618 A1	08/15/2002	Conrad et al.			
	6,439,238 B1	08/27/2002	Brenzel et al.			
	6,450,169 B1	09/17/2002	Conrad et al.			
	6,453,905 B1	09/24/2002	Conrad et al.			
	6,502,574 B2	01/07/2003	Stevens et al.			
	6,513,530 B2	02/04/2003	Knudson et al.			
	6,513,531 B2	02/04/2003	Knudson et al.			
	6,516,806 B2	02/11/2003	Knudson et al.			
	6,523,541 B2	02/25/2003	Knudson et al.			
	6,523,542 B2	02/25/2003	Knudson et al.			
	6,523,543 B2	02/25/2003	Conrad et al.			
	6,546,936 B2	04/15/2003	Knudson et al.			
	6,742,524 B2	06/01/2004	Knudson et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 13033.4USC4	Application Number: 10/825,029
	Applicant: KNUDSON ET AL.	
	Filing Date: 04/14/2004	Group Art Unit: UNKNOWN

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	44 12 190 A1	10/12/1995	DE			X	
	199 20 114 A1	11/09/2000	DE			X	
	0 292 936 A2	11/30/1988	EP				
	0 706 808 A1	04/17/1996	EP				
	1 039 859 B1	12/03/2003	EP			X	
	WO 00/59398	10/12/2000	PCT				
	WO 01/19301 A1	03/22/2001	PCT				
	WO 01/23039 A1	04/05/2001	PCT				
	1553140	03/30/1990	SU			Abstract	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Blumen, M. et al., "Radiofrequency Ablation for the Treatment of Mild to Moderate Obstructive Sleep Apnea," <i>The Laryngoscope</i> , Vol. 112, pp. 2086-2092 (November 2002)
	Brochure, "Haven't you suffered from Snoring long enough", <i>Somnoplasty<sup>SM</sup></i> , 2 pgs.
	Brochure, "Our Diagnostic Procedures are a Snap®!", <i>Snap Laboratories</i> , 4 pgs.
	Brochure, "Snore-Free Nights - Guaranteed!", <i>Your Health News</i> , 2 pgs.
	Brochure, "Snoreless <sup>TM</sup> ", <i>Nutrition for Life International</i> , 2 pgs. (December 1999).
	Boot, H. et al., "Long-Term Results of Uvulopalatopharyngoplasty for Obstructive Sleep Apnea Syndrome", <i>The Laryngoscope</i> , pp. 469-475 (March 2000).
	Cole, P. et al., "Snoring: A Review and a Reassessment", <i>The Journal of Otolaryngology</i> , Vol. 24, No. 5, pp. 303-306 (1995).
	Coleman, S. et al., "Midline Radiofrequency Tissue Reduction of the Palate for Bothersome Snoring and Sleep-Disordered Breathing: A Clinical Trial", <i>Otolaryngology-Head and Neck Surgery</i> , pp. 387-394 (March 2000).
	Dalmaso, F. et al., "Snoring: analysis, measurement, clinical implications and applications", <i>Eur. Respir. J.</i> , Vol. 9, pp. 146-159 (1996).
	Ellis, P. D. M. et al., "Surgical relief of snoring due to palatal flutter: a preliminary report", <i>Annals of the Royal College of Surgeons of England</i> , Vol. 75, No. 4, pp. 286-290 (1993).
	Fischer, Y. et al., "Die Radiofrequenzablation des weichen Gaumens (Somnoplastik)", <i>Redaktion</i> , pp. 33-40 (2000).
	Gillette, P. et al., "Pediatric Cardiac Pacing", <i>Cardiology Clinics</i> , Vol. 10, No. 4, pp. 749-754 (November 1992).

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 13033.4USC4	Application Number: 10/825,029
	Applicant: KNUDSON ET AL.	
	Filing Date: 04/14/2004	Group Art Unit: UNKNOWN

	Harries, P.G. et al., "Review Article: The surgical treatment of snoring", <i>The Journal of Laryngology and Otology</i> , Vol. 110, pp. 1105-1106 (December 1996).
	Huang, L., "Flutter of Cantilevered Plates in Axial Flow", <i>Journal of Fluids and Structures</i> , Vol. 9, pp. 127-147 (1995).
	Huang, L. et al., "Biomechanics of snoring", <i>Endeavour</i> , Vol. 19, No. 3, pp. 96-100 (1995).
	Kasey, K. et al., "Radiofrequency Volumetric Reduction of the Palate: An Extended Follow-Up Study", <i>Otolaryngology-Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 410-414 (March 2000).
	LaFrentz, J.R.L. et al., "Palatal stiffening techniques for snoring in a novel canine model", <i>ARO Abstracts</i> , Vol. 22, Abstrct No. 499, pp. 125 - 126 (February 13 - 18, 1999)
	Lemperle, G., et al., "PMMA Microspheres (Artecoll) for Skin and Soft-Tissue Augmentation. Part II: Clinical Investigations", <i>Plastic and Reconstructive Surgery</i> , Pages 627-634 (September 1995).
	C. Lorenz, "If he Snores - what can you do about it?", <i>Today's Woman</i> , July 1948, p.112.
	Schwartz, R.S. et al., "Effects of electrical stimulation to the soft palate on snoring and obstructive sleep apnea", <i>J. Prosthet. Dent.</i> , Vol. 76, No. 3, pp. 273-281 (1996).
	Wiltfang, J. et al., "First results on daytime submadibular electrostimulation of suprahyoidal muscles to prevent night-time hypopharyngeal collapse in obstructive sleep apnea syndrome", <i>Int. J. Oral Maxillofac. Surg.</i> , Vol. 28, pp. 21-25 (1999).

**23552**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	